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APPLICATION NO. FILING DATE		ILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
10/019,936 04/24/2002		04/24/2002	Yasushi Watanabe	02500.000010	8758		
5514	5514 7590 12/30/2003				EXAMINER		
		LLA HARPER & S	GORMAN, D	GORMAN, DARREN W			
30 ROCKEFELLER PLAZA NEW YORK, NY 10112				ART UNIT	PAPER NUMBER		
				3752 DATE MAILED: 12/30/2003	19		

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No. Application No. Applicant(s) Application No. Examiner Application Papers on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MALING DATE OF THIS COMMUNICATION. Extensions of time may be evaluable under the provisions of 3 CFR 1.136(s). In orevent, however, may a tept be timely liked when \$18 (to MONTH) for the maling date of this communication apply within the size of time time the size of the communication of the provision of the communication of the provision of the communication of the provision in the communication of the provision of the communication of the provision of the provisio										
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A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ② MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. □ Statestons of lines may be available under the provisions of 37 CFR 1.13(a), in no event, however, may a reply be timely filled □ the period for reply secretical basics between the provisions of 37 CFR 1.13(a), in no event, however, may a reply be timely filled □ the period for reply secretical above, the maximum statutory period will apply and will expine \$10 (8) by a will be considered timely. □ the Operation of reply secretical above, the maximum statutory period will apply and will expine \$10 (8) by a will be considered timely. □ the Operation of the secretic period by the statutory minimum of thinty (30) again will be considered timely. □ the Operation of the secretic period by the statutory minimum of thinty (30) again will be considered timely. □ the secretic period of the statutory will be statutory minimum of thinty (30) again will be considered timely. □ the secretic period of the statutory will be statutory minimum of thinty (30) again will be considered timely. □ the statutory will be statutory will be statutory minimum of thinty (30) again will be considered timely. □ the statutory will be statutory be statut										
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DETAILED ACTION

Claim Rejections - 35 USC § 103

- 1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 2. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morimoto et al., European Patent Application EP0815931, in view of Daley, USPN 3,501,097.

Morimoto discloses a powdered material spraying device comprising: a powdered material storage hopper (2) for storing a powdered material (h), the storage hopper having a material discharge port (no reference number) and a material feed port (no reference number), the material feed port bearing an airtight, detachable cover (no reference number), a quantitative spraying device (no reference number) provided for the material discharge port of the powdered material storage hopper via a material feed valve (21), the quantitative spraying device comprising: a cylindrical body (no reference number) with openings at a top end (no reference number) and at a lower end (no reference number) respectively, the cylindrical body being airtightly connected at the top end with the material discharge port of the powdered material storage hopper, an elastic membrane (3) with a penetrating aperture (3a) provided so as to form a bottom (no reference number) of the cylindrical body at its lower opening end, and a dispersion chamber (6) connected under the lower opening end of the cylindrical body via the elastic membrane, wherein the dispersion chamber comprises: a pulsating vibration air supply port

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1-3 and 5-6).

(outlet end of 10) for supplying a positive pulsating vibration air to the dispersion chamber, and a discharge port (inlet of 11) connected with a conduit (11) for pneumatically transporting the powdered material to a tabletting machine by means of the positive pulsating vibration air, the powdered material being discharged into the dispersion chamber via the penetrating aperture when the elastic membrane is vibrated up and down by the positive pulsating vibration air supplied in the dispersion chamber from the pulsating vibration air supply port and being dispersed by the positive pulsating vibration air supplied in the dispersion chamber (see Figures

However, Morimoto does not disclose a bypass pipe connected between the cylindrical body and the dispersion chamber through which air moves freely between the cylindrical body and the dispersion chamber during spraying operation, so as to equalize air pressure between the cylindrical body and the dispersion chamber.

Daley teaches a powdered material spraying device comprising a powdered material storage hopper (1) having a powdered material feed port and a powdered material discharge port (12) with a powdered material discharge valve (13) for selectively releasing material into a cylindrical body (20) (see Figures 1-3). The powdered material is then fed from the cylindrical body through a powder flow passage to a dispersion chamber (39) where incoming carrier gas mixes with the powdered material (see column 4, lines 40-46). Daley also teaches the powdered material spraying device wherein a bypass pipe is connected between the cylindrical body (20) and the dispersion chamber (39) through which air moves freely between the cylindrical body and the dispersion chamber during spraying operation, so as to equalize air pressure between the

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cylindrical body and the dispersion chamber (see Figures 1-3; and column 4, lines 48-60, and column 6, lines 6-20).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the powdered material spraying device of Morimoto to include a free-flowing pressure-equalizing bypass pipe between the cylindrical body and dispersion chamber, as taught by Daley, in order to prevent pressure differential factors in the system from effecting the powder feed.

Allowable Subject Matter

- 3. Claims 5-10 are allowed.
- 4. Claims 2-4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darren W Gorman whose telephone number is 703-306-4205. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Mar can be reached on 703-308-2087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9302.

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Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is 703-308-0861.

Darren W Gorman

Examiner

Art Unit 3752

December 18, 2003

Supervisory Patent Examiner

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Group 3700